

TRINITY COUNTY PLANNING COMMISSION

Special Meeting
April 23, 2020 at 7:00 p.m.
Trinity County Library Conference Room
351 Main St, Weaverville, CA

Commissioner McHugh
Commissioner Graham Matthews
Vice Chair Diana Stewart
Commissioner Richard Hoard
Chair Dan Frazier

MEETING MINUTES

***NOTE:** In order to limit any potential exposure to the COVID-19 virus, the Planning Commissioners and members of the public were invited to attend this meeting via Telephone Conferencing as provided by Governor Newsom's Executive Order N-29-20.

CALL TO ORDER:

Chair Dan Frasier called the meeting to order at 7:00 p.m.

Commissioners present: Richard Hoard, Dan Frasier, Graham Matthews

***Commissioners Present via Telephone Conferencing:** Diana Stewart, and Mike McHugh.

Staff present: Planning Director Kim Hunter, Planning Deputy Director Lisa Lozier, Associate Planner Bella Hedtke, Administrative Coordinator Mary Beth Brinkley, and Clerk Carole Roberson

***Note: All unanimous actions reflect 5-0 vote**

MINUTES: By motion made, seconded (Commissioner Hoard/Commissioner Matthews) and carried unanimously, the Planning Commission approved the January 9, 2020 Minutes with the following amendments: Page 1, Commissioner Stewart's first name was misspelled; Page 4 Commissioner McHugh "and recommend denial" should be changed to "and if the rezone is denied then the Commission could recommend denial of CUP based on incompatible zoning"; Page 5, paragraph 2, Commissioner McHugh, not Chair Frasier, asked if there were any changes to the application. Page 5, paragraph 2, add Director Hunter agreed with Commissioner Stewart's suggestion that "storage and distribution" should be added to the title of the project; and Page 2 Chair Frasier's name was misspelled.

By motion made, seconded (Commissioner Hoard/Chair Frasier) to accept the March 19, 2020 Minutes with the following amendment: Page 1, Commissioner Stewart's first name was misspelled. Chair McHugh -Aye, Chair Stewart-Aye, Commissioner McHugh abstained. Motion carried.

PUBLIC COMMENT: During the Public Comment period members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission. John Brower and Justin Hawkins spoke.

John Brower spoke about the difficulties with trying to conduct public hearings via teleconference and suggested they be put off until they could be done in a more proper way.

Justin Hawkins agreed with John Brower and spoke about the EIR, how Cultivation Licensing, Water Board, and Fish & Game fees are distributed.

REGULAR CALENDAR:

CONDITIONAL USE PERMIT (P-19-19): A request for a Conditional Use Permit to develop an approximately 2.2-acre site along the north side of the SR-299 commercial corridor in Weaverville with a new 20,000 square-foot Grocery Outlet grocery store. The project site is designated by the General Plan as Commercial (C) and is zoned as General Commercial (C-2). The project includes the development of two driveway entrances, sidewalks, drive aisles, 67 on-site parking spaces, a loading dock, storm water improvements, landscaping, outdoor lighting, and monument signage. The proposed project site is located at 1155 Main Street, Weaverville. APNs: 002-100-61, -62, -63 and 002-100-42. Applicant: Best Development Group. Proposed CEQA Determination: Mitigated Negative Declaration. Planner: L. Lozier

Deputy Director Lozier presented the staff report and requested a continuance. Commissioners asked questions of staff. Director Hunter explained that the applicant did not travel to the meeting due to COVID-19. The Public hearing was opened and Veronica Albiez asked what the process involves for continuing a matter and public commenting opportunities. County Counsel answered her questions. Becky (uncertain of last name) Justin Hawkins, and Terry Johnson, the applicant, all spoke of their support for continuing the project to May 14, 2020 Planning Commission Meeting. Dana Ryan commented on his support of the project, as did an unnamed caller.

Motion made, seconded (Commissioner McHugh/Commissioner Hoard), and carried unanimously, the Planning Commission continued the item to the May 14, 2020 Planning Commission meeting.

APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-11): An appeal of the Planning Director's decision to reject an application requesting variances from the requirements established by the Trinity County Title 17 Zoning Code section 17.43.040, Type III Cultivation Licenses. The applicant is requesting three Type III (one acre) Commercial Cannabis Cultivation Licenses on a 23.86-acre parcel and reduction of the required 500-foot property line setback for cultivation. The proposed site is located at 241 Drink Water Gulch Rd., Hayfork. APN: 016-220-02-00; Applicant/Appellant: American Cannabis Partners (ACP).

Director Hunter presented the staff report. Chair Frasier called a five-minute recess at 7:39 in order to disconnect the teleconference call and restart it due to loud feedback on the lines. Returned at 7:44 p.m. Director Hunter finished presenting her staff report. Public comment was opened and the applicant, Stephen Jordan, spoke to the Commission. Ilya Makarov from Weaverville requested to have copies of the applicants comments available for the public and Director Hunter said they would be posted on the website the next morning. Kelly Albiez, of Douglas City, David Albiez, Justin Hawkins, and another caller encouraged the Planning Commission to uphold Director Hunters decision.

At 8:00 p.m. Public Comment was closed and Commissioners discussed the project.

Commissioner Stewart voiced her concerns about allowing this variance due to it not meeting the 50-acre size criteria. Commissioner Hoard commented on his agreement with Director Hunter's decision as well and pointed out that he does not agree with the necessity for an application to be submitted for a project to be approved. By motion made, seconded (Commissioner Stewart/Commissioner Matthews) and carried unanimously, the Planning Commission moved to deny appeal by American Cannabis Partners.

APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-12): An appeal of Planning Director's Decision to deny a Commercial Cannabis Cultivation License 2019-618 for 3120 Bear Creek Rd., Weaverville. APN 010-690-02-00; Applicant/Appellant: Dina Obrenovic.

Director Hunter presented the staff report. The public hearing was opened and the applicant, Dina Obrenovic spoke via teleconference phone, as well as her agent, Mitch Ivanoff. Both showed support of continuing the

hearing until the May 14, 2020 Planning Commission Meeting, as well as Justin Hawkins spoke via. There being no other speakers the public hearing was closed.

By motion made, seconded (Matthews/Hoard), and carried unanimously, the Planning commission moved to continue the matter to the May 14, 2020 Planning Commission Meeting.

ANNUAL INITIAL VARIANCE (CCV-19-63): A request for a variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling (TCC 17.43.050.A.8). Project site is located at 27 Log Cabin Ln., Douglas City, Assessor Parcel Number: 025-140-32-00; Applicant: S. Xiong. Planner: B. Hedtke.

Associate Planner Hedtke presented her staff report. Public Comment was opened and Agent Lisa Wright, agent for the applicant, was present and spoke in support of the continuing the item to May 14, 2020 Planning Commission Meeting. There being no other speakers, the public hearing was closed. By motion made, seconded (Hoard/Matthews) motion carried unanimously to continue the item to the May 14, 2020 Planning Commission Meeting.

ANNUAL INITIAL VARIANCE (CCV-20-01): A request for a variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling. (TCC 17.43.050.A.8). Project site is located at 159 Rose Ln., Hayfork. Assessor Parcel Number: 017-430-45-00; Applicant: C. Thao. Planner: B. Hedtke.

Associate Planner Hedtke presented her staff report. The public comment was opened and the applicant's agent, Denise Risling, asked if she could answer any questions for Commission or Staff, which they did not. No public comments were received and public comment was closed at 8:15 p.m. The Planning Commission discussed moving forward with this annual initial variance.

By motion made, seconded (Commissioner Stewart/Commissioner Hoard) motion carried unanimously to approve Commercial Cannabis Variance CCV-20-01 to reduce the cultivation site setback in Trinity County Code 17.43.050 A.8. from 350 feet to 125' from the residence located on APN 017-430-33-00, subject to the findings of fact and conditions as stated in the staff report.

CONDITIONS OF APPROVAL: Upon approval by the Planning Commission, the following Conditions of Approval shall apply to the C. Thao Commercial Cannabis Setback Variance (CCV-20-01) for APN 017-430-45-00:

1. The variance is approved for a period of one year and shall expire on the same date as the Commercial Cannabis License that this variance and parcel is associated with; provided, however, that the variance shall be renewed annually through the Director's Use Permit application process.
 - a. Application for renewal shall be submitted by the applicant or designated agent/consultant prior to expiration of the variance and preferably no later than 60 days in advance.
 - b. The renewal shall not require a formal public hearing, unless specified by the Planning Director or referred to the Planning Commission; however, written notice shall be

provided by the County to surrounding property owners at least ten (10) days prior to the Planning Director's decision to approve or deny the annual renewal.

- c. Shall be subject to a filing fee as specified by resolution of the Board of Supervisors.
 - d. The Planning Director, at their discretion, may approve, deny or refer the annual renewal request to the Planning Commission. The director shall not add or modify conditions of approval applied by the Planning Commission. If submitted to the Planning Commission by the Planning Director for action, no additional fees will be required.
 - e. Action to renew the variance by the Planning Director may be appealed to the Planning Commission in accordance with Section 34 of the Zoning Ordinance.
2. The variance shall be subject to the securing of all necessary permits, licenses, and approvals for the proposed Commercial Cannabis Cultivation operation from all County and State agencies having jurisdiction over any aspect of the operation.
 3. Structures on the property shall be in compliance with the California Building Code and Trinity County Code.
 4. The applicant has the sole responsibility for renewing this variance before the expiration date listed above. The County will not provide a notice prior to the expiration date.
 5. No building permit or other county permit involving a variance shall be issued until the ten-day appeal period has expired. No building permit or other county permit involving a variance shall be issued while a variance hearing or appeal therefrom is pending.
 6. Photographic proof of relocation of the mentioned 30' x 60' section must be received and verified by the Code Compliance Inspector prior to license issuance.
 7. The parcel's municipal water meter must not be upgraded from a residential meter status.

END OF CONDITIONS

PLANNING COMMISSION REPORTS: Commissioner Hoard said he would not oppose holding off Planning Commission meetings until a further date when full meetings could be held and able to hear from the applicant, agent, and community in order to handle the items appropriately. Commissioner McHugh agreed and suggested the possibility of meeting at the Veteran's Hall w/people practicing social distancing. He addressed Director Hunter about how they'd received input multiple times from the podium in regards to the Smith Pit Mining Project acting out of compliance with their Use Permit and asked if there have been any corrections or more comments. Director Hunter said Planning Department continues to receive complaints, she's spoken to both owner and also operator, Judd Buick, who assured her he has made improvements. She feels this item is not appropriate to agenda until a public meeting could be held and continues to work with the operator and the community both in this matter. Per his request, Director Hunter agreed to update him in the future regarding this project.

PLANNING DIRECTOR'S REPORT: Director Hunter introduced Deputy Director Lisa Lozier to the Planning Commission and commented on the years of Planning knowledge that she brings with her. Lisa Lozier has served as a Planner for 16 years with Shasta County and for 3 years with the town of Holbrook in Arizona. Deputy Director Lozier will be working with Associate Planner Hedtke focusing on Planning projects and she (Director Hunter) will be focusing on Department Management as Director of Building, Environmental Health, and Cannabis, focusing more on environmental health issues. She discussed additional staff recently being hired and the possibility of having Inspections in May this year.

ADJOURNMENT:

The Planning Commission adjourned at 8:23 p.m.

Submitted by:



Kim Hunter, Planning Director
Secretary of the Planning Commission